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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

FIONA HARVEY,

Plaintiff,

v.

NETFLIX, INC. and NETFLIX
WORLDWIDE ENTERTAINMENT, LLC,

Defendants.

Case No. 2:24-cv-04744-RGK-AJR

**DECLARATION OF
BRIAN S. LEVENSON IN
SUPPORT OF PLAINTIFF'S
APPLICATION FOR LEAVE
TO FILE DOCUMENTS IN
OPPOSITION TO
DEFENDANTS' MOTION
TO STRIKE UNDER SEAL**

FILED UNDER SEAL
PURSUANT TO L.R. 79-5.2.2(a)(i)

1 Brian S. Levenson declares as follows:

2 1. I am an attorney duly licensed to practice law in New York. I have been
3 admitted *pro hac vice* in this case. I am a partner of The Roth Law Firm, PLLC and
4 attorney of record for Plaintiff Fiona Harvey in this case. I have personal knowledge
5 of the facts stated in this declaration, and if called to testify as a witness, would and
6 could competently do so. I respectfully submit this declaration in support of
7 Plaintiff's Application for Leave to File Documents in Opposition to Defendants'
8 Motion to Strike Under Seal (the "Application").

9 2. Through this Application, Plaintiff seeks to file under seal Exhibits 1-23
10 of the Declaration of Fiona Harvey in Opposition to Netflix's Motion to Strike (the
11 "Harvey Declaration").

12 3. Plaintiff previously made an application to file under Exhibits 1-23 of
13 the Harvey Declaration. ECF 38. The Court denied the application without
14 prejudice. ECF 58. In doing so, the Court stated, "While the Court agrees that any
15 identifying information of third parties should be filed under seal, the same cannot be
16 said of the messages themselves." *Id.*

17 4. Exhibits 1-23 of the Harvey Declaration are copies of the hate-filled
18 Facebook messages Harvey has received in response to publicity generated by the
19 Baby Reindeer series.

20 5. Exhibits 1-2, and 22 are messages accusing Harvey of being a rapist and
21 committing crimes.

22 6. Exhibits 3-5, 7, and 8 are messages threatening to stalk and harm
23 Harvey.

24 7. Exhibits 3-9 and 16 are messages hoping for harm to come to Harvey of
25 for her to die.

26 8. Exhibits 6, 9, and 16 are messages encouraging Harvey to kill herself.

9. Exhibits 10-23 are messages identifying Harvey as Martha, the character in the *Baby Reindeer* series.

10. Disclosure of this information would permit members of the public to further contact and harass Harvey or third parties and therefore redaction of this information is warranted. *Activision Publ'g, Inc. v. EngineOwning UG*, 2023 WL 2347134, at *1 (C.D. Cal. Feb. 27, 2023) (“The Ninth Circuit has held that compelling reasons exist to keep personal information confidential to protect an individual’s privacy interest and to prevent exposure to harm or identity theft.”); *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (“‘compelling reasons’ sufficient to outweigh the public’s interest in disclosure and justify sealing court records exist when such ‘court files might have become a vehicle for improper purposes,’ such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets”); *U.S. Tobacco Coop. Inc. v Big S. Wholesale of Virginia, LLC*, 5:13-CV-527-F, 2016 WL 3573929, at *1 (E.D.N.C. 2016)(sealing documents that contained “information that could subject certain individuals to physical harm and/or harassment”); *Dish Network LLC v. Sonicview USA, Inc.*, No. 09-CV-1553 L (NLS), 2009 WL 2224596, at *7 (S.D. Cal. 2009) (finding that protecting the identities of individuals who had served as confidential informants, and thereby protecting them from being subjected to threats of physical harm, outweighed the presumption of access to court records); *Anonymous v C.I.R.*, 127 TC 89, 2006 WL 2572907 (Tax Ct. 2006).

11. As filed with this Court, the Harvey Exhibits are redacted to protect the privacy of Plaintiff and other third parties, and to prevent this information from becoming a vehicle for improper purposes.

1 I declare under penalty of perjury that the foregoing is true and correct.
2 Executed on this 5th day of September, 2024 in New York, New York.

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4 *s/ Brian S. Levenson*

5 By: Brian S. Levenson * *Pro Hac Vice*
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